

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

EXXON MOBIL CORPORATION, a
New Jersey corporation,

Plaintiff,

vs.

NORTHWESTERN CORPORATION
dba NORTHWESTERN ENERGY, a
Delaware corporation,

Defendant/Third-Party Plaintiff

vs.

CITY OF BILLINGS, and GENERAL
ELECTRIC INTERNATIONAL, INC.,

Third-Party Defendants.

CV-16-05-BLG-BMM

ORDER

Third Party Defendant City of Billings (“the City”) has moved the Court to change venue for trial in this matter from Great Falls to Billings. (Doc. 88.) Plaintiff Exxon Mobil Corporation (“ExxonMobil”) filed a response to the motion stating that it has no objection to the Court’s ruling that the trial take place in Great Falls. (Doc. 98.) No other parties filed a response to the motion.

ExxonMobil’s claims against NorthWestern Corporation (“NorthWestern”) are based in negligence and contract. (*See* Doc. 1.) NorthWestern’s claims against the City are also based in negligence and contract. (*See* Doc. 33.) Venue is proper

in any division of the court containing a county of proper venue under Montana law. Local Rule 3.2(b). The proper venue for a tort action is either where the defendant resides or the county where the tort was committed. Mont. Code Ann. § 25–2–122(1). The proper venue for a breach of contract claim is either where the defendant resides or the county where the contract was to be performed. Mont. Code Ann. § 25–2–121(1). The proper venue for an action against a political subdivision is in the county in which the claim arose or in any county where the political subdivision is located. Mont. Code Ann. § 25–2–126(3).

The City argues that “a substantial part of the events or omissions giving rise to the action occurred in Yellowstone County, within the Billings Division,” noting that the wastewater treatment plant, refinery, and the 50 kilovolt lines servicing the refinery are all located in Billings. (Doc. 89 at 3-4.)

For good cause shown, IT IS ORDERED that the City of Billings’ Motion (Doc. 88) is GRANTED.

DATED this 17th day of January, 2017.



Brian Morris
United States District Court Judge